

**REMARKS**

Claims 1-15 are being cancelled in lieu of claims 16-29 to place the claims in proper U.S. format. In particular, claims 16-20, and 22 are regarded as being substantially the same as previously pending claims 8-12, and 14. Thus, Applicant asserts no subject matter has been relinquished by the minor informal changes to claims 16-20 and 22 presented in Attachment A.

Claims 21, 23, and 24 - 29 have been added to further particularly point out and distinctly claims what Applicant regards as the inventive subject matter. Basis for claims 21 and 23 can be found on page 9, lines 1 - 5. Basis for claims 24 - 27 can be found on page 2, line 28, and basis for claims 28 and 29 can be found on page 8, lines 29 - 31.

The amendments to the claims presented herein do not introduce new matter within the meaning of 35 U.S.C. §132. Accordingly, the Examiner is respectfully requested to enter these amendments.

Additionally, Applicant kindly thanks the Examiner for the interview conducted for this application on February 10, 2006.

Moreover, Applicant kindly thanks the Examiner for acknowledging claims 8-11 are allowable, which are now presented as claims 16-19.

**1. Rejection of Claim 15 Under 35 U.S.C. §112**

The Office Action states claim 15 is indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action states,

Claim 15, line 2, the recitation "a hard resin" causes indefiniteness because it is not well defined and the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

#### **RESPONSE**

Claim 15 has been cancelled rendering the rejection moot.

Notwithstanding, claims 21 and 23 have been added. Basis for claims 21 and 23 can be found on page 9, lines 1 - 5 of the specification.

#### **2. Rejection of Claims 1-7, and 12-15 Under 35 U.S.C. §102(b)**

The Office Action states that claims 1-7, and 12-15 are rejected under 35 U.S.C. §102(b) as being anticipated by Sakai, et al. (EP 0 916 701). In particular, the Office Action states,

Sakai et al. disclose a resin composition comprising a crystalline polypropylene having an isotactic pentad proportion (MMMM) of 98.7% or 98.7; a molecular weight distribution expressed by weight average molecular weight/number average molecular weight ( $M_w/M_n$ ) of 6 or 37.1; and a molecular weight distribution expressed by z-average molecular weight/weight average molecular weight ( $M_z/M_w$ ) of 3.6 or 3.8 (Table 6, Comparative Examples 1,3, and 4). Thus, the present claims are anticipated by the disclosure of Sakai et al.

#### **RESPONSE**

Claims 1-7, and 12-15 have been cancelled rendering the rejection moot.

Notwithstanding, for a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

As stated by the Examiner in the pending Office Action, previously pending claims 8 - 11 are considered to be allowable. Claims 16 - 19 are regarded as being substantially the same as previously pending claims 8 - 11. Accordingly, claims 16 - 19 are deemed to be patentable.

Additionally, Applicant contends Sakai, et al. does not teach, disclose, or suggest the presently claimed film or sheet, or laminated article comprising the presently claimed polymer compositions as currently recited by claims 20 - 29.

In particular, Applicant contends Sakai, et al. does not teach, disclose, or suggest, "A film or sheet comprising a propylene polymer comprising:

- 1) a content of isotactic pentads (mmmm), measured by NMR, higher than 97%;

2) a molecular weight distribution, expressed by  $\overline{M}_w/\overline{M}_n$  ratio, equal to or higher than 6; and

3) a value of  $\overline{M}_z/\overline{M}_w$  ratio equal to or lower than 5.5."  
(Emphasis added)

Moreover, Applicant contends Sakai, et al. does not teach, disclose, or suggest, " A multilayer laminated article comprising a film or sheet comprising a propylene polymer comprising:

1) a content of isotactic pentads (mmmm), measured by NMR, higher than 97%;

2) a molecular weight distribution, expressed by  $\overline{M}_w/\overline{M}_n$  ratio, equal to or higher than 6; and

3) a value of  $\overline{M}_z/\overline{M}_w$  ratio equal to or lower than 5.5."  
(Emphasis added)

Sakai, et al. merely generally discloses the disclosed compositions can be used for producing molded products by molding techniques. See pages 2, line 7, page 2, line 46, and page 21, line 22.

In light of the above, claims 16-29 are therefore believed to be patentable over Sakai, et al. Accordingly, allowance of the claims is earnestly requested.

#### CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over


Serial No. 10/522,957

the prior art of record. The Examiner is therefore respectfully requested to reconsider and withdraw all rejections and allow all pending claims 16-29. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner with any questions or comments if it is believed such contact will expedite prosecution for this application.

Respectfully submitted,

By:

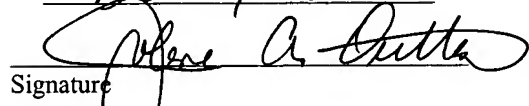
  
Jarrod N. Raphael  
Registration No. 55,566  
Customer No. 34872

Date: February 23, 2006  
Basell USA Inc.  
912 Appleton Road  
Elkton, MD 21921  
Telephone No.: 410-996-1750  
Fax No.: 410-996-1560

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 23 2006.

Signature

Date

  
February 23 2006